

# COMMITTEE REPORT

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## MR. PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 287, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 31-34-2.5-2, AS ADDED BY P.L.133-2000,
- 3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2001]: Sec. 2. (a) Immediately after an emergency medical
- 5 services provider takes custody of a child under section 1 of this
- 6 chapter, the provider shall notify the local child protection service that
- 7 the provider has taken custody of the child.
- 8 (b) The local child protection service shall:
- 9 (1) assume the care, control, and custody of the child immediately
- 10 after receiving notice under subsection (a); **and**
- 11 **(2) not later than forty-eight (48) hours after the local child**
- 12 **protection service has taken custody of the child, contact the**
- 13 **Indiana clearinghouse for information on missing children**
- 14 **established by IC 10-1-7-3 to determine if the child has been**
- 15 **reported missing.**
- 16 SECTION 2. IC 31-34-2.5-3, AS ADDED BY P.L.133-2000,
- 17 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JULY 1, 2001]: Sec. 3. (a) A child for whom the local child protection
- 19 service assumes care, control, and custody under section 2 of this
- 20 chapter shall be treated as a child taken into custody without a court
- 21 order, except that efforts to locate the child's parents or reunify the
- 22 child's family are not necessary, if the court makes a finding to that
- 23 effect under IC 31-34-21-5.6(b)(5).
- 24 (b) Service of the child's parents under Indiana Trial Rule 4 is

1 **not necessary if the court makes a finding that efforts to locate the**  
 2 **child's parents or reunify the child's family are not necessary**  
 3 **under subsection (a).**

4 SECTION 3. IC 31-34-10-2.5, AS ADDED BY P.L.133-2000,  
 5 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2001]: Sec. 2.5. (a) The juvenile court shall hold the initial  
 7 hearing on a petition arising from an emergency medical services  
 8 provider's taking custody of an infant under IC 31-34-2.5 on the next  
 9 business day after the emergency medical services provider takes the  
 10 infant into custody. If the court is unavailable for a hearing on the next  
 11 business day, the hearing must be held as soon as the court becomes  
 12 available. However, the hearing must be held not later than the third  
 13 business day after the infant is taken into custody.

14 (b) The county office of family and children ~~shall~~ **may** notify the  
 15 emergency medical services provider who has taken emergency  
 16 custody of an abandoned infant under IC 31-34-2.5 of the initial  
 17 hearing. The emergency medical services provider ~~has the right to~~ **may**  
 18 be heard at the initial hearing.

19 SECTION 4. IC 31-34-21-4, AS AMENDED BY P.L.133-2000,  
 20 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2001]: Sec. 4. (a) **Except as provided in subsection (f)**, at  
 22 least ten (10) days before the periodic case review, including a case  
 23 review that is a permanency hearing under section 7 of this chapter, the  
 24 county office of family and children shall send notice of the review to  
 25 each of the following:

- 26 (1) The child's parent, guardian, or custodian.
- 27 (2) A prospective adoptive parent named in a petition for adoption  
 28 of the child filed under IC 31-19-2 if:
  - 29 (A) each consent to adoption of the child that is required under  
 30 IC 31-19-9-1 has been executed in the form and manner  
 31 required by IC 31-19-9 and filed with the county office of  
 32 family and children;
  - 33 (B) the court having jurisdiction in the adoption case has  
 34 determined under any applicable provision of IC 31-19-9 that  
 35 consent to adoption is not required from a parent, guardian, or  
 36 custodian; or
  - 37 (C) a petition to terminate the parent-child relationship  
 38 between the child and any parent who has not executed a  
 39 written consent to adoption under IC 31-19-9-2 has been filed  
 40 under IC 31-35 and is pending.
- 41 (3) Any other person who:
  - 42 (A) the county office of family and children has knowledge is  
 43 currently providing care for the child; and
  - 44 (B) is not required to be licensed under IC 12-17.2 or  
 45 IC 12-17.4 to provide care for the child.
- 46 (4) Any other suitable relative or person who the county office  
 47 knows has had a significant or caretaking relationship to the child.
- 48 ~~(5) Any emergency medical services provider who has taken~~  
 49 ~~custody of an abandoned infant under IC 31-34-2.5.~~
- 50 (b) At least ten (10) days before the periodic case review, including

a case review that is a permanency hearing under section 7 of this chapter, the county office of family and children shall provide notice of the review to the child's foster parent by:

(1) certified mail; or

(2) face to face contact by the county office of family and children caseworker.

(c) The court shall provide to a person described in subsection (a) or (b) an opportunity to be heard and to make any recommendations to the court in a periodic case review, including a permanency hearing under section 7 of this chapter. The right to be heard and to make recommendations under this subsection includes the right of a person described in subsection (a) or (b) to submit a written statement to the court that, if served upon all parties to the child in need of services proceeding and the persons described in subsections (a) and (b), may be made a part of the court record.

(d) **Except as provided in subsection (f)**, this section does not exempt the county office of family and children from sending a notice of the review to each party to the child in need of services proceeding.

(e) The court shall continue the review if, at the time of the review, the county office of family and children has not provided the court with signed verification from the child's foster parent, as obtained through subsection (b), that the foster parent has been notified of the review at least five (5) business days before the review. However, the court is not required to continue the review if the child's foster parent appears for the review.

**(f) The parent of an abandoned child as described in IC 31-34-2.5 is not required to be notified of a proceeding described in subsection (a).**

SECTION 5. IC 31-35-2-6.5, AS AMENDED BY P.L.133-2000, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6.5. (a) This section applies to hearings under this chapter relating to a child in need of services.

(b) At least ten (10) days before a hearing on a petition or motion under this chapter:

(1) the person or entity who filed the petition to terminate the parent-child relationship under section 4 of this chapter; or

(2) the person or entity who filed a motion to dismiss the petition to terminate the parent-child relationship under section 4.5(d) of this chapter;

shall send notice of the review to the persons listed in subsections (c) and (d).

(c) **Except as provided in subsection (h)**, the following persons shall receive notice of a hearing on a petition or motion filed under this chapter:

(1) The child's parent, guardian, or custodian.

(2) A prospective adoptive parent named in a petition for adoption of the child filed under IC 31-19-2 if:

(A) each consent to adoption of the child that is required under IC 31-19-9-1 has been executed in the form and manner required by IC 31-19-9 and filed with the county office of

- 1 family and children;
- 2 (B) the court having jurisdiction in the adoption case has
- 3 determined under an applicable provision of IC 31-19-9 that
- 4 consent to adoption is not required from a parent, guardian, or
- 5 custodian; or
- 6 (C) a petition to terminate the parent-child relationship
- 7 between the child and any parent who has not executed a
- 8 written consent to adoption under IC 31-19-9-2, has been filed
- 9 under IC 31-35 and is pending.
- 10 (3) Any other person who:
- 11 (A) the county office of family and children has knowledge is
- 12 currently providing care for the child; and
- 13 (B) is not required to be licensed under IC 12-17.2 or
- 14 IC 12-17.4 to provide care for the child.
- 15 (4) Any other suitable relative or person who the county office of
- 16 family and children knows has had a significant or caretaking
- 17 relationship to the child.
- 18 ~~(5) Any emergency medical services provider who has taken~~
- 19 ~~custody of an abandoned infant under IC 31-34-2.5.~~
- 20 ~~(6)~~ (5) Any other party to the child in need of services proceeding.
- 21 (d) At least ten (10) days before a hearing on a petition or motion
- 22 under this chapter, the county office of family and children shall
- 23 provide notice of the hearing to the child's foster parent by:
- 24 (1) certified mail; or
- 25 (2) face to face contact by the county office of family and children
- 26 caseworker.
- 27 (e) The court shall provide to a person described in subsection (c)
- 28 or (d) an opportunity to be heard and make recommendations to the
- 29 court at the hearing. The right to be heard and to make
- 30 recommendations under this subsection includes the right of a person
- 31 described in subsection (c) or (d) to submit a written statement to the
- 32 court that, if served upon all parties to the child in need of services
- 33 proceeding and the persons described in subsections (c) and (d), may
- 34 be made a part of the court record.
- 35 (f) The court shall continue the hearing if, at the time of the hearing,
- 36 the county office of family and children has not provided the court with
- 37 signed verification from the foster parent, as obtained through
- 38 subsection (d), that the foster parent has been notified of the hearing at
- 39 least five (5) business days before the hearing. However, the court is
- 40 not required to continue the hearing if the child's foster parent appears
- 41 for the hearing.
- 42 (g) A person described in subsection (c)(2) through ~~(e)(5)~~ (c)(4) or
- 43 subsection (d) does not become a party to a proceeding under this
- 44 chapter as the result of the person's right to notice and the opportunity
- 45 to be heard under this section.
- 46 **(h) The parent of an abandoned child as described in**

- 1 **IC 31-34-2.5 is not required to receive notice of a hearing as**
- 2 **described in subsection (c).**

(Reference is to SB 287 as introduced.)

**and when so amended that said bill be reassigned to the Senate Committee on Judiciary.**

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GARTON Chairperson